



# **2014 Contractor/DOT Training Workshop Raleigh**

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February 11, 2014



# **NC 811 Law Rewrite**

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February 11, 2014

# Presentation Purpose

- ✓ Talk about the NC811 law and the recent rewrite, H476
- ✓ Discuss the Utility Accommodations Manual update



# Update of Utilities Accommodation Manuals



**North Carolina Department of Transportation**

## **Utilities Accommodation Manuals**



**December 2012**

**NCDOT Utilities Unit**



# Update of Utilities Accommodation Manuals

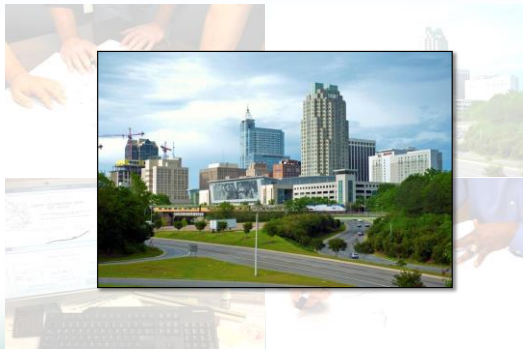
- ✓ Doing the update in 6 phases
- ✓ Currently completing phase 2 – Policy
- ✓ Will follow shortly with phase 3, 4 and 5; engineering, coordination and encroachments
- ✓ Phase 6 will be education and training

# Update of Utilities Accommodation Manuals



North Carolina Department of Transportation

## Utility Policy Manual



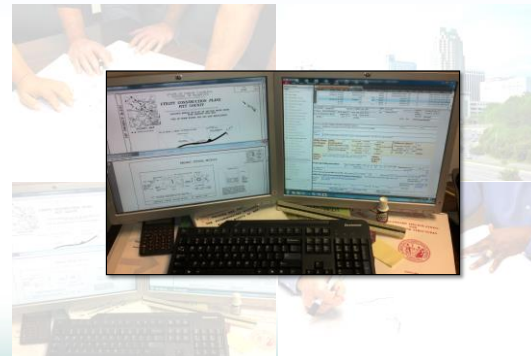
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## Utility Engineering Manual



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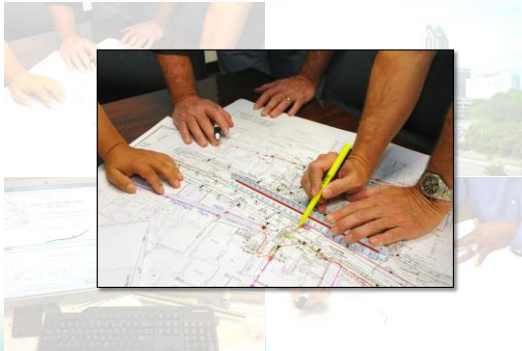


# Update of Utilities Accommodation Manuals



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## Utility Coordination Manual



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## Utility Encroachment Manual



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# Reasons for an 811 Law





# Reasons for an 811 Law

- ✓ To prevent property damage, loss of service, bodily harm and loss of life.
- ✓ We don't really know what's down there or where it is.
- ✓ What's in your yard or in front of your house?


# Overview

- ✓ Background on 2012-2013 Legislative Working Group
- ✓ How the revised NC811 law affects stakeholders
- ✓ Mandatory Requirements
- ✓ Exemptions
- ✓ Enforcement

# Background on 2012-2013 Legislative Working Group

- ✓ Representative Mike Hager sponsored the Bill
- ✓ Began meeting in August of 2012
- ✓ Working group included a primary and secondary from Gas Distribution, Gas Transmission, Power, Communications, Contract Locator, Excavator, Municipal, NCDOT and the Electric Cooperatives
- ✓ Group used SC law as a starting place for language
- ✓ Met face to face every few weeks in Raleigh
- ✓ Expanded group to include Surveyors
- ✓ Introduced March 2013.....

Vote History									
Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
07/17/2013 3:20PM	Second Reading	[S] - 782	49	0	0	1	0	49	PASS
07/22/2013 4:24PM	M11 Concur	[H] - 1252	111	0	3	6	0	111	PASS
Viewing Last 2 Vote(s)								View All Votes	

History 				
↑ Date	Chamber	Action	Documents	Vote
03/28/2013	House	Filed	DRH70187-LM-17	
04/01/2013	House	Passed 1st Reading		
04/01/2013	House	Ref To Com On Public Utilities and Energy		
05/02/2013	House	Reptd Fav Com Substitute	H476-PCS80345-TPf-19	
05/02/2013	House	Cal Pursuant Rule 36(b)		
05/02/2013	House	Placed On Cal For 05/06/2013		
05/06/2013	House	Withdrawn From Cal		
05/06/2013	House	Re-ref Com On Finance		
06/19/2013	House	Reptd Fav Com Sub 2	H476-PCS10412-TPf-45	
06/19/2013	House	Cal Pursuant Rule 36(b)		
06/19/2013	House	Placed On Cal For 06/20/2013		
06/20/2013	House	Amend Adopted A1	A1: H476-ATP-34-V-5	PASS: 103-0
06/20/2013	House	Passed 2nd Reading		PASS: 105-0
06/20/2013	House	Passed 3rd Reading		
06/20/2013	House	Ordered Engrossed		
06/24/2013	Senate	Rec From House		
06/24/2013	Senate	Passed 1st Reading		
06/24/2013	Senate	Ref to Commerce. If fav, re-ref to Finance		
07/02/2013	Senate	Reptd Fav Com Substitute	H476-PCS30590-TPf-57	
07/02/2013	Senate	Com Substitute Adopted		
07/02/2013	Senate	Re-ref Com On Finance		
07/16/2013	Senate	Reptd Fav Com Substitute	H476-PCS30603-TPf-59	
07/16/2013	Senate	Com Substitute Adopted		
07/17/2013	Senate	Passed 2nd Reading		PASS
07/17/2013	Senate	Passed 3rd Reading		
07/18/2013	House	Rec From Senate		
07/18/2013	House	Rec To Concur S Com Sub		
07/21/2013	House	Cal Pursuant 36(b)		
07/21/2013	House	Placed On Cal For 07/22/2013		
07/22/2013	House	Concurred In S/Com Sub		PASS: 111-0
07/22/2013	House	Ordered Enrolled		
07/23/2013		Ratified		
07/24/2013		Pres. To Gov. 7/24/2013		

# How the revised NC811 law affects stakeholders

- ✓ New Subaqueous (underwater) locates
- ✓ New Short Notice Ticket (3hr response)
- ✓ Survey Design Ticket (10 day response)
- ✓ 3 full business day response
- ✓ Tolerance zone is 24 inches
- ✓ Mandatory training for locators and excavators
- ✓ Pre-marking (white lining)



# Mandatory Requirements

- ✓ Membership in Notification Center
- ✓ Large operators by October 2014 (50,000 customers or 1000 miles of facility)
- ✓ Medium operators by October 2015 (25,000 customer or 500 miles of facility)
- ✓ All others by October 2016
- ✓ NCDOT Divisions by October 2016

# Mandatory Requirements

- ✓ Positive Response
- ✓ Excavators must notify prior to digging
- ✓ Damages must be reported

# Exemptions

- ✓ Homeowner doing mechanized excavation solely on his property (not within any R/W or easement)
- ✓ Homeowner doing non mechanized excavation
- ✓ Agricultural excavation and tilling of soil (not within any R/W or easement)
- ✓ Railroad working solely on their land or R/W
- ✓ Excavation for graves solely on their land

# Exemptions

- ✓ Maintenance type activities performed by NCDOT or local government such as road resurfacing, emergency sign replacement, reshaping of shoulders or ditches to original profile
- ✓ Activities NOT exempt are initial installation of guardrail, traffic signs, traffic control equipment or guardrails
- ✓ Gravity fed sewers and storm water facilities are exempt from locating (future installations must be locatable)

# Enforcement

- ✓ Complaint driven – any portion of the law
- ✓ Complaints received through web portal housed at Notification center
- ✓ Notification center contacts alleged violator within 10 days
- ✓ Complaints reviewed by Board of 15 appointed by Governor



# Enforcement – a Representative from:

- ✓ ☐ North Carolina DOT
- ✓ ☐ Facility Contract Locator
- ✓ ☐ Notification Center
- ✓ ☐ Electric Public Utility
- ✓ ☐ Telecommunications Industry
- ✓ ☐ Natural Gas Utility
- ✓ ☐ Hazardous Liquid Transmission Pipeline Company
- ✓ ☐ League of Municipalities
- ✓ ☐ Highway Contractor who does not own facilities
- ✓ ☐ Public Utilities Contractor who does not own facilities
- ✓ ☐ Surveyor
- ✓ ☐ Rural Water System
- ✓ ☐ Investor Owned Water System
- ✓ ☐ Electric Membership Cooperative
- ✓ ☐ Cable Company

# Enforcement

- ✓ Board meets quarterly
- ✓ Board can recommend training and/or fine of up to \$2500 depending on severity
- ✓ All monies go state education per NC Constitution
- ✓ Board passes recommendations to Utilities Commission
- ✓ Appeal process available

# Direct Impacts to NCDOT

- ✓ All Divisions must become members of NC811 by October 2016 (2 are currently)
- ✓ Must notify NC811 when doing excavation within NCDOT R/W
- ✓ Must create a database of NCDOT underground facilities
- ✓ Must change some internal processes to decrease our impacts

# NC811 Law Implementation Committee

- ✓ Purpose is to identify what NCDOT must do to comply with new law
- ✓ Develop guidelines
- ✓ Recommend process changes
- ✓ Develop implementation plan

# Implementation Committee Members

- ✓ Robert Memory (UU)
- ✓ David West (UU)
- ✓ Byron Sanders (UU)
- ✓ John Couch (Division 9, Division Traffic Engineer)
- ✓ Sean Epperson (Division 10, Division Traffic Engineer)
- ✓ Greg Fuller (State ITS and Signals Engineer)
- ✓ Al Grandy (Division 5, Division Traffic Engineer)
- ✓ Katherine Hite (Division 3, Division Traffic Engineer)
- ✓ Jim Tyler (Division 3, Division Traffic)
- ✓ Buddy Smith (Division 9, Division Traffic Operations)
- ✓ Ron King (State Signing and Delineation Engineer)
- ✓ Ed Sirgany (Regional ITS Engineer)
- ✓ Neil Avery (ITS & Signals)
- ✓ Steve Davis (Division 3, DUC)
- ✓ Bill Hammond (Division 6)
- ✓ Doug McNeal (Division 13, District Engineer)
- ✓ Brett Canipe (Division 10, District Engineer)
- ✓ John Farley (GIS)



# Major changes to NC811 law (H476)

- ✓ Used recent SC law as a starting place
- ✓ Mandatory membership in NC811
- ✓ Numerous exemptions eliminated (NCDOT's exemption is more restrictive)
- ✓ Tolerance zone reduced to 24 inches
- ✓ White lining is mandatory
- ✓ Penalties and enforcement added
- ✓ Design Locates strengthened
- ✓ Effective October 2014
- ✓ See <http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H476v8.pdf>

# Questions and Parting Thoughts

